

REMARKS

Claims 1-25 and 27-29 are pending. Of these, claims 1-24 are allowed. By this Amendment, claims 27 and 28 are amended into independent form and claims 26, 30 and 31 are cancelled without prejudice or disclaimer of the subject matter contained therein. No new matter is added.

For the following reasons, reconsideration of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. §103:

On page 2 of the Office Action, claims 25-31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ito et al. (U.S. Patent 6,385,148), in view of Kim et al. (U.S. Patent 6,922,802). The rejection as to cancelled claims 26, 30 and 31 is moot. The rejection as to the remaining claims is respectfully traversed.

It is respectfully submitted that Ito, in view of Kim, fails to render obvious, a write once recording medium having a single record layer in which a lead-in area, a data area, and a lead-out area are sequentially formed, the recording medium comprising a defect management area on the recording medium in at least one of the lead-in area and the lead-out area, and a temporary defect management information area which is present in at least one of the lead-in area and the lead-out area and in which information regarding a spare area is recorded to enable defect management of the recording medium, as recited in claim 25.

Neither Ito nor Kim discloses or suggests a write once recording medium comprising a temporary defect management information area in which information regarding a spare area is recorded to enable defect management of the recording medium. Instead, Ito discloses a rewritable information recording medium 1 having a fixed and permanent defect management information area 4b containing a primary defect list (PDL) and a secondary defect list (SDL) in a disk information area 4 (the lead in area) (see, FIGS. 4 and 5, for example, of Ito). Meanwhile, Kim discloses an optical disc in the form of a rewritable DVD-RAM having "temporary primary defect list" (T-PDL) listing the physical IDs (PIDs) of defective sectors where A/V data is recorded, rather than information regarding the spare area.

Specifically, Ito fails to disclose or suggest a temporary defect management information area in which information regarding a spare area is recorded to enable defect management

because Ito discloses a fixed and permanent defect management information area 4b that contains the PDL 12 that is used to manage defective sectors which are detected during a pre-shipping inspection of the disk 1 (see, col. 10, lines 18-22, and FIGS. 4 and 5 of Ito). The SDL 13, on the other hand, is used to manage defective sectors which are detected during use of the disk 1 by a user (see, col. 10, lines 23-24, and FIGS. 4 and 5 of Ito). As shown between FIGS. 4 and 5 of Ito, as defective areas of the logical volume space 6a are found, a spare block 7 or 8 is used to replace a defective block in the logical volume space 6a (see, for example, col. 12, line 42-col. 13, line 31 of Ito). No areas of Ito are used as a temporary defect management area, but rather, the defect management information area 4b containing the SDL 13 is fixed, permanent, and used to manage defective sectors found during use of the disk 1.

Kim also fails to disclose or suggest a temporary defect management information area in which information regarding a spare area is recorded to enable defect management because although Kim discloses a temporary PDL (T-PDL), the T-PDL of Kim lacks information regarding a spare area to enable defect management. Kim also discloses a primary defect list (PDL), a secondary defect list (SDL). The PDL primarily contains the bad sector addresses (see, col. 2, table 2 of Kim), while the SDL primarily contains the bad sector addresses and their corresponding replacement sector addresses (see, col. 2, table 3 of Kim). In contrast, the T-PDL is a list of the physical IDs (PIDs) of defective sectors where A/V data is recorded. The PDL, and the SDL, are read out and used to skip the defective areas (see, col. 6, lines 53-59 of Kim). The T-PDL, on the other hand, is used so that the A/V data are still read and reproduced (see, col. 7, lines 22-28 of Kim). Accordingly, the T-PDL is used to distinguish the T-PDL from the PDL or the SDL. Moreover, the T-PDL simply contains defect information, but not defect management information or a spare area. The T-PDL of Kim does not contain information regarding a spare area to enable defect management nor is it a temporary defect management information area.

Consequently, both Ito and Kim fail to disclose or suggest a temporary defect management information area in which information regarding a spare area is recorded to enable defect management, as recited in claim 25.

Furthermore, Ito, in view of Kim, fails to render obvious a write once disc as recited in claim 25 because both Ito and Kim disclose rewritable discs. For Ito, this point is acknowledged on page 2 of the Office Action. However, it is asserted therein that Kim's disclosure would have rendered obvious a write once disc as claimed. The Applicants respectfully disagree.

Kim's statement of an optical disc being a write once disc is presented in a statement that lists various types of optical discs so that most, if not all, types of optical discs are accounted for. Specifically, Kim states that that "[o]ptical discs include read-only discs such as CD-ROM and DVD-ROM, write-once discs such as CD-R and DVD-R, and rewritable discs such as CD-RW and DVD-RAM" (see, col. 1, lines 23-29 of Kim). However, in the context of defect management, the disclosure of Kim is limited to a rewritable disc, especially, DVD-RAM (see, col. 1, lines 30-39 of Kim). In fact, Kim discusses erasing the data of the optical disc (see, for example, col. 7, lines 28-44, especially lines 28-30, of Kim). Accordingly, Kim does not suggest defect management may be performed on a write-once disc. Assertions that Kim suggests defect management for write-once disc is counter to the knowledge that would have been held by one of ordinary skill in the art that defect management is performed for RAM discs such as a rewriteable disc, and not for write once discs. Accordingly, the noted disclosure of Kim fails to provide a proper basis to reject claim 25 as obvious. For all of the above reasons, Ito, in view of Kim, fails to render obvious a write once disc as recited in claim 25.

Consequently, claim 25 is patentably distinguishable over the applied references and their combination. Claim 29, which depends from claim 25, is likewise patentably distinguishable for at least the reasons discussed above, and for the additional features it recites.

Regarding claims 27 and 28, which are amended to be in independent form and for compact recitation of the claimed features, are patentably distinguishable over the applied references and their combination for reasons corresponding to those of claim 25. Specifically, Ito, in view of Kim, fails to render obvious, a temporary defect management information area and a write once recording medium, for example.

Further, the Office Action fails to give notice to the Applicants as to the basis for the rejection of claims 27-29 by failing to indicate where the features of the respective claims are shown in the applied references. Accordingly, the applied references and their combination fail to disclose or suggest the features of claims 27-29.

Based on the foregoing, this rejection is respectfully requested to be withdrawn.

ALLOWABLE SUBJECT MATTER:

On page 3 of the Office Action, claims 1-24 are indicated as allowed.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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